

NELSON P. COHEN  
United States Attorney

STEPHAN A. COLLINS  
Assistant U.S. Attorney  
222 West 7<sup>th</sup> Ave., #9, Rm. 253  
Anchorage, AK 99513-7567  
Phone: (907) 271-5071  
Fax: (907) 271-1500  
E-mail: [stephan.collins@usdoj.gov](mailto:stephan.collins@usdoj.gov)  
AK Bar No. 8911061

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,      )                                  Case 3:05-CR-00108-3-JWS  
                                      )  
Plaintiff,      )  
                                      )  
                                      )  
v.                                )  
                                      )  
D'ANDRE TOLBERT,      )                                  UNITED STATES SENTENCING  
                                      )                                  MEMORANDUM  
                                      )  
                                      )  
Defendant.      )  
                                      )

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**SUMMARY OF SENTENCING RECOMMENDATIONS**

**TERM OF IMPRISONMENT ..... 188 MONTHS**

**TERM OF SUPERVISED RELEASE ..... 5 YEARS**

**FINE ..... \$0.00**

**SPECIAL ASSESSMENT .....** \$200.00

The United States Probation Office [USPO] has prepared the presentence report [PSR] in this case and the United States does not dispute the factual findings the USPO has made. The United States will rely upon the factual statements in the PSR in making its sentencing recommendations.

Following his pleas of guilty, the defendant stands convicted of one count of conspiracy, in violation of 21 U.S.C. § 846 and one count of money laundering, in violation of 18 U.S.C. § 1956. The USPO has recommended the Court find the defendant's total adjusted base offense level for the counts of conviction to be 31 and that, with the defendant's criminal history category classification of V, the defendant's sentence range to be between 188 and 235 months of imprisonment.

The USPO has accurately assessed the information the United States developed as part of its investigation in this matter and has accurately set forth in the PSR the background information of the defendant's criminal activities. The Untied Stats is prepared to present evidence to support the information contained in the pre-sentence report, if necessary, however it appears there are no outstanding disputes about the information in the pre-sentence report.

In accordance with the U.S.S.G. and the sentencing factors set forth in 18 U.S.C. § 3553, the United States recommends a sentence 188 months of imprisonment to run concurrent, a special assessment of \$200.00, and a term of five years supervised release for the conspiracy charge and a term of three years for the money laundering charge. The United States does not recommend the imposition of a fine, based on the defendant's apparent current or foreseeable ability to pay a substantial fine. This sentence will adequately address not only the United States Sentencing Commission Guideline concerns but also those contained in 18 U.S.C. § 3553. The United States recommends this term of imprisonment for this defendant because of his substantial involvement in a fairly successful cocaine distribution organization.

RESPECTFULLY SUBMITTED this day, November 2, 2006, in Anchorage, Alaska.

NELSON P. COHEN  
United States Attorney

s/Stephan A. Collins  
Assistant U.S. Attorney  
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Anchorage, AK 99513-7567  
Phone: (907) 271-5071  
Fax: (907) 271-1500  
E-mail: [stephan.collins@usdoj.gov](mailto:stephan.collins@usdoj.gov)  
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